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S E C R E T SECTION 01 OF 02 ADDIS ABABA 001105

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E.O. 12958: DECL: 04/12/2032
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SUBJECT: AMIR MESHAL: REQUEST FOR DEPARTMENT GUIDANCE

REF: A. AF/E-L-AMBASSADOR APRIL 12 TELCON
[1](#)B. ADDIS ABABA 1091 AND PREVIOUS (NOTAL)
[1](#)C. STATE 47351 (NOTAL)

Classified By: AMBASSADOR DONALD YAMAMOTO. REASON: 1.4 (B) AND (D).

FRIDAY, APRIL 13 HEARING

[1](#)1. (U) ACTION REQUEST: see paragraph 6.

[1](#)2. (S/NF) The Government of Ethiopia plans to hold an initial hearing on Friday, April 13, for most of the remaining suspected foreign fighters caught in Somalia by Ethiopian troops, or transferred from Kenya to Ethiopia via Somalia's Transitional Federal Government (TFG). The preliminary hearing is aimed at two objectives. First, to officially release from detention, and to return to their home countries, those suspects who will not be charged and tried. Second, it is possible that some suspects will be referred to a court for trial. There are also a number of other suspects still undergoing investigation. Currently, Somali TFG Ambassador to Ethiopia reports 41 foreigners caught in Somalia still under detention in Ethiopia; another 200 are reportedly "in the pipeline" and currently in Somalia. In addition to Meshal (the sole U.S. citizen Post is aware of among these detainees), other suspects come from Yemen, Rwanda, Kenya, Uganda, Sweden, Tunisia, Morocco, Sudan, Syria, UAE and other countries. Five suspects have already been released and returned to their home countries. A total of 29 of the 41 will be released, and the remaining twelve will be charged with crimes or remain in custody pending further investigation.

[1](#)3. (C) No press, diplomats, or members of the general public will be allowed at the hearing.

[1](#)4. (S/NF) The Ethiopian intelligence service (NISS) have informed us privately that Amcit Amir Mohamed Meshal (refs B-C) along with other suspects will be officially "freed" on Friday, April 13. After processing, the Embassy will be expected to take charge of him. This could occur immediately. Other foreign embassies will also be contacted to take charge of their nationals being released. We have also been asked to forward a copy of our April 2 diplomatic

note to the Ethiopian intelligence service along with an unsigned cover letter. Embassies whose nationals are detained have already submitted diplomatic notes requesting release of their nationals and return to their home countries.

15. (S/NF) For the Department's information, following is the unsigned cover letter to be attached to the copy of our diplomatic note:

BEGIN TEXT.

We are passing this letter on behalf of the U.S. Embassy. Attached, for your background, is our diplomatic note dated 02 April 2007, requesting the release of U.S. citizen Amir Meshal. A copy of this note was provided to Ato Leul on 02 April. The American Embassy, as noted, would like to have Amir Meshal return to the United States. U.S. Embassy officials await your final decision.

END TEXT.

(NOTE: Ato Leul is the deputy chief of Ethiopia's National Intelligence and Security Service. END NOTE.)

WHAT WILL BE THE USG RESPONSE UPON MESHAL'S RELEASE?

16. (S/NF) ACTION REQUEST: Upon Amir Meshal's official release, we hope the State Department and the interagency group working on this case will provide guidance on how to process this case. We understand from the FBI agents at post

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who interviewed Amir Meshal that he is a threat to the general public and is on the "no fly list." Agents here have recommended that he be prosecuted in a U.S. court, though we understand from the FBI that there may be insufficient or lack of compelling evidence to prosecute him. If upon his release by the GOE the USG will not prosecute him, the Embassy must provide Amir Meshal with a one-year validity passport with USD 2,000 provided by his parents. He will be free to go to any country of his choice.

17. (S/NF) If the USG has made no decision on whether to bring charges against him, we must still take charge of him, as the GOE will only release him to U.S. officials. We would then recommend that he be escorted by U.S. law enforcement officers directly to the U.S. Once he is officially released by the GOE, it will be impossible to keep Meshal in Addis Ababa, because the GOE expects the USG to facilitate his immediate departure.

COMMENT

18. (S/NF) It is unfortunate that Amir Meshal was not returned to the U.S. prior to the expected trial. While press will not be allowed in the hearing, there are a number of U.S. media representatives visiting Addis to report on the foreign fighters.

19. (S/NF) The more formal approach by Ethiopia to the handling of these cases is the result of the heavy publicity by the U.S. press and now international press of the suspected foreign fighters caught in Somalia under Ethiopian control. Prior to this date, foreign fighter suspects were quietly released to foreign embassies for appropriate handling or immediate deportation at the airport. END
COMMENT.

YAMAMOTO